IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8049 of 2003

Between:

M.Sanjamma W/o.Late M.Narasimhulu
R/o.Lachanipalli Village, H/o.Kojjepalli, Gooty Mandal,
Ananthapur Dist.

..... PETITIONER

AND

1 The Chairman-cum-Presiding Officer Industrial Tribunal-cum-Labour Court, Ananthapur Dist.
2 The Divisional Engineer (Operations) A.P.Central Power Distribution Corporation Ltd., Gooty, Ananthapur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, preferably in the 1st respondent in dismissing the I.D.No.14/99 filed by the petitioner by its award dt.4-1-2002 as illegal, discriminatory and arbitrary and violative of Art. 14,16,19 and 21 of the Constitution of India and consequently set aside the above stated impugned award with a direction to the 2nd respondent to pay pension in lieu of salary to the petitioner till the petitioner's late husband date of superannuation and all other service benefits.

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondent No.: GP FOR LABOUR

The Court made the following:

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ORDER:

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Challenging the action of the first respondent in dismissing the I.D.No.14 of 1999 filed by the petitioner by its award dated 04-01-2002 as illegal and arbitrary and consequently to set aside the same directing the second respondent to pay pension in lieu of salary to the petitioner till the petitioner's husband date of superannuation and also all other service benefits, the present writ petition is filed.

The brief facts that are necessary for the disposal of the present writ petition may be stated as follows:

The husband of the petitioner was initially joined in the second respondent-corporation as a Casual worker and thereafter he was given regular appointment as a Helper on 17-09-1991. While so, he was removed from service on the ground that he submitted a bogus school certificate at the time of regularization of his services as a Helper. The employee raised I.D.No.14 of 1999 before the Industrial Tribunal and during the pendency of the same, he died. Therefore, his wife was brought on record as legal representative. By the order under challenge, the Tribunal dismissed the said I.D. Challenging the same, the wife of the deceased employee filed the present writ petition.

A counter affidavit is filed by the respondents stating that since the deceased employee submitted a bogus certificate, he was removed from service and the Tribunal also dismissed the I.D. filed by him and therefore there are no grounds to interfere with the same.

In support of his contentions, the learned counsel appearing for the petitioner placed a strong reliance on the award passed by the same court in I.D.No.175 of 1998 and contends that the certificates produced by all the persons who are appointed on the

same day are found to be bogus and the I.D. raised by one S.V.Subbaiah in I.D.No.175 of 1998 is allowed, but where as the I.D. raised by the husband of the petitioner was dismissed by the same labour Court.

A regular departmental enquiry was conducted against the deceased employee, but that enquiry is not under challenge. At the time of appointment, he produced a school certificate with admission No.1636, dated 04-06-1964.
The Headmaster of the school gave a statement that no such certificate was issued by the school and the deceased employee did not study in their school at all. So, for that reason, after conducting the enquiry, the deceased employee was removed from service and the appeal was also confirmed. Thereafter, he filed the industrial dispute and that was also dismissed.

It is not even the case of the petitioner that the certificate so produced by her husband is a genuine one and that the enquiry was not conducted in accordance with law. The manner of conducting enquiry in a fair and impartial manner has not been disputed. So, the only question remains to be whether the punishment imposed by the disciplinary authority is disproportionate to the proved misconduct.

The learned counsel for the petitioner also contended that for the post of Helper, there is no minimum educational qualification and a person who writes and knows the language is eligible for that post and therefore, it is not a serious misconduct. This court is unable to accept the same.

Production of a false certificate itself is a grave misconduct. When a person did not study in a particular school and produced a study certificate, which is found to be fabricated or forged, he cannot claim any post. It cannot be said that the production of school certificate is not a requirement for appointing as a Helper. Production of fabricated or forged document itself is a serious matter and therefore the Tribunal rightly dismissed the I.D. raised by the deceased employee. Simply because the case of the other petitioner was allowed, that cannot be taken as a ground to allow the present industrial dispute.

Hence, the writ petition is devoid of merit and is dismissed. No order as to costs.

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JUSTICE K.C.BHANU

Dated July 18, 2005.

YCR

To

1 The Chairman-cum-Presiding Officer Industrial Tribunal-cum-

Labour Court, Ananthapur Dist.

2 The Divisional Engineer (Operations) A.P.Central Power

Distribution Corporation Ltd., Gooty, Ananthapur Dist.

3. 2 CCs to G.P for Labour, High Court of A.P. Buildings,

Hyderabad (OUT)

4. 2 C.D. copies.